

REMARKS

Claims 54-61 are now pending in the application, original claims 1-53 having been cancelled without prejudice. Support for the new claims can be found in the specification at, for example, pages 6-7, 24, and 26-27. No new matter has been added.

Oath/Declaration

With all due respect, the Examiner's comment regarding the Oath/Declaration is not understood. The Examiner states, “[t]he oath or declaration is defective because: The full name of each inventor (family name and at least one given name together with any initial) has not been set forth” (Office action at page 2). The Oath/Declaration filed with the application identifies Charles A. Vacanti, Joseph P. Vacanti, and Martin P. Vacanti (this is not an error – the three are brothers and share the same surname). Moreover, the declaration was duly executed. Applicants' representative requests the favor of a telephone call from the Examiner to clarify what is required with respect to the Oath/Declaration.

Title

The Examiner has objected to the title because it is not “clearly indicative of the invention to which the claims are directed” (page 3 of the Office action). In response, Applicants have amended the title to reflect the subject matter now claimed.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) because the drawings allegedly do not “show every feature of the invention specified in the claims.” The Examiner has asked that a drawing of a neural stem cell of the invention be included.

Applicants respectfully disagree with the Examiner. 35 U.S.C. §113 states, “[t]he applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented” (emphasis added). Applicants maintain that a picture of the stem cells of the invention is not necessary for the understanding of the invention. More importantly, however, the claims have been amended to cover methods by which neural stem cells can be isolated from mammalian tissue. In view of the amendment, the prior objection to the drawings is moot.

Specification

The Examiner has objected to the specification because of the heading to the abstract. As suggested by the Examiner, the title of the abstract has been amended to "Abstract."

35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 41-44 under 35 U.S.C. §112, first paragraph. The Examiner asserts that the claims contain "subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention" (page 4 of the action). The Examiner states (Office action at page 4):

While general guidance is provided regarding isolation of stem cells from rats, no working examples are provided re:
characterization of said cells as neural stem cells, maintenance of said cells in culture, purification of isolated tissue to enrich said culture, or production of a homogenous culture of neural stem cells.

In view of the present amendment to the claims, which now cover methods of isolating neural stem cells rather than the cells *per se*, Applicants maintain that the specification and Examples (Examples 4-8 in particular) do indeed provide an adequate description to enable any person skilled in the art to practice the method now claimed. In fact, Examples 5 and 6 of the instant application describe the use of the stem cells – isolated by a method now claimed -- in the preparation of a hydrogel-spinal cord stem cell composition and the repair of spinal cord injury in rats.

35 U.S.C. § 102

The Examiner rejected claims 41-44 as being anticipated over a clutch of references (see the Office action at pages 7-9). In view of the present amendment, the Examiner is respectfully requested to refrain from applying any of the previously cited anticipatory references against the present claims. None of the references previously relied on disclose the method now claimed.